

REMARKS/ARGUMENTS

Applicant thanks the Examiner for the telephonic Interview of March 30, 2005. During the Interview, a tentative agreement was reached regarding amending claim 13.

In the Office Action dated March 14, 2005, claims 13, 21 and 27 were rejected. Claims 14, 16-18, 22-26, and 28-32 were objected to but would be allowable if rewritten in independent form. Claim 13 has been amended to overcome the rejection and claim 17 has been rewritten in independent form to overcome the objection. All claims depend from either claim 13 or 17.

Applicant asserts that amended claim 13 is patentable over Clark (U.S. Patent No. 4,979,922). Specifically, claim 13 is amended to require a flight deck section having a plurality of contoured features forming cavities in the top surface of the flight deck section and that the contoured features extend beneath the bottom surface of the flight deck section. (Support for both of these limitations is replete throughout the specification including paragraphs [0018] and [0039]). Neither of these features are taught or suggested by Clark.

First, the flying saucer of Clark does not disclose cavities in the top surface of its flight deck section. Instead, Clark discloses a flying saucer without cavities in its flight deck section and a removable insert (for the purpose of allowing the flying saucer to skip on a fluid surface) having cavities in its bottom surface.

The Examiner stated during the Interview that the insert could be considered as part of the flying saucer since they could be attached together and therefore the combination of the flying saucer and insert constitutes a flight deck section. As such, the cavities in the insert are in the flight deck section.

Although Applicant respectfully disagrees with the Examiner's position, as set forth in greater detail in the attached Examiner's Interview Summary and incorporated herein by

reference. Notwithstanding, Applicant has amended Claim 13 to further distinguish the claim from Clark.

In particular, there is no suggestion or motivation in Clark to form cavities in the top surface of the flying saucer flight deck. The cavities in the insert of Clark are provided to replace the conventional underside gripping surface, along the rim of the flying saucer, that is eliminated when the insert is positioned within the flying saucer. That is, typically a person grasps the inside surface of the rim to throw the flying saucer. However, when the insert is positioned within the flying saucer, it necessarily fills the underside gripping surface of the flying saucer in order to allow the saucer-insert combination to skip on water, but thereby eliminates the conventional gripping area. Hence, the Clark cavities in the insert are merely to replace the underside gripping surface along the rim that was eliminated by the insert and, as such, is unrelated to and offers no suggestion to provide cavities in the top surface of the flying saucer flight deck.

In the present invention, the cavities are formed on the top surface of the flight deck principally to create a Coanda effect for controlling flight characteristics of the disc. Paragraph [0050]. That is, as the disc revolves and travels, air passing over the disc is entrained by the cavities in the surface of the disc thereby causing a rear spoiler type of effect to assist in maintaining flight stability. Paragraph [0050]. Clark's insert cavities cannot achieve the Coanda effect as they are positioned on the bottom of the insert and, furthermore, there is no suggestion or contemplation whatsoever by Clark to create such an effect.

Applicant further states that even if the flying saucer and insert were jointly considered as being the flying saucer (and i.e. jointly forming the flight deck section), Clark does not teach or suggest contoured features that extend beneath the bottom of the flight deck section as required by claim 13. In contrast and as shown in FIG. 3 of Clark, the contoured features that form the cavities are directed upwards from the bottom surface of the insert. Accordingly, the contoured features do not extend beneath the bottom of the flight deck section as required by Claim 13.

For the aforementioned reasons, it is believed that claim 13 is distinguishable of the Clark and the cited prior art, singularly and in combination.

Regarding Claim 17, this claim was objected to due to an informality, but otherwise would be allowable. Specifically, Claim 17 was objected to as being depending from Claim 12 which had inadvertently been canceled. Claim 17 has been rewritten in independent form to include all the limitations of previous Claim 12 and, therefore, should be in condition for allowance. Applicant has also further amended claim 17 to include additional limitations beyond that previously presented to further clarify distinctions between said claim and prior art.

As the remaining claims depend from claims 13 and 17, it is believed that these claims are also in condition for allowance.

It is believed that the claims as amended resolve all issues in this matter and, accordingly, Applicant respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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